

ALEXANDER DONELSON.

JANUARY 16, 1832.

Mr. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom was referred, by resolution, the claim of Alexander Donelson, report:*

The claimant asks to be compensated the value of a horse and equipments, as the assignee of David G. Howard, which were lost in the military service of the United States, in the campaign against the Seminole Indians. The claim was rejected by the Third Auditor in 1826, because the name of David G. Howard could not be found on the rolls of Captain Rogers' company; and because the affidavit of Howard was not made, that he had not received any other horse or equipments from the Government in lieu of those lost, nor compensation, in money, from any officer of the Government. The first objection was removed by the deposition of Captain Rogers, who says, that Howard, while in the service, was called Closby Howard, and was returned by that name on the rolls, when his real name was David G. Howard. He was discharged on the 30th June, 1818, and on the same day assigned his claim to Alexander Donelson, and gave him a power of attorney to receive it. The claimant has made his affidavit that he has received no compensation; and that he does not know or believe that Howard has; nor that he has sold or assigned his claim to any one else; and that he has removed out of Tennessee; and that his residence is not known to the claimant. If Howard had been paid for his horse and equipments, or had received other property in lieu, the transaction must have been known to Captain Rogers; and the presumption is, he would not have given him a certificate to enable him to obtain a second remuneration. If he had been paid in either way, the presumption is, it would have been discovered in the accounts of the officer by whom it was made; so if there had been an assignment to a third person, the claim would have been presented before this time. By the regulations made by Mr. Madison, the person who lost the property, was to make the affidavit required in Mr. Hagner's second objection, unless he was dead, or had removed without the United States. The claimant swears that Howard removed from Tennessee, but he does not know where. If he was known to have removed from without the United States, although his residence was known, that would dispense with his affidavit. The committee think, if his residence is not known, his affidavit may be dispensed with, and still adhere to the spirit of the rule. In the certificate of Captain Rogers, he says the horse died for the want of forage, and by

forced marches; that he was valued at one hundred dollars; and that the equipments were valued at thirty dollars. In a deposition given by Capt. Rogers, he says the horse died for the want of or age. From the number of this class of cases examined, the committee know that forage was not, nor could be furnished during most of that campaign. In a letter addressed to the chairman of the committee, Mr. Hagner says, considerable deductions would have been made, if the claim had been settled at the department. The committee think the claimant is entitled to relief, but that he should have his case settled on the same principles which have been applied in other cases; and report a bill accordingly.